

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

District of Utah

Case: 2:25-cv-00003

Assigned To : Romero, Cecilia M.

Assign. Date : 1/6/2025

Case No. Description: Ben v. City of Laguna Beach et al

(to be filled in by the Clerk's Office)

Gitti El Ben- Trustee, pro se

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Laguna Beach
Laguna Beach Police Department
Officer Filler Badge # 31264

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
2025 JAN 6 AM 11:02
CLERK
U.S. DISTRICT COURT
DEC 30 2024 PM 02:15

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Gitti El Ben- Trustee Pro Se
Street Address	c/o 1285 North Canyon Creek Parkway #1010
City and County	Spanish Fork, Utah County
State and Zip Code	republic of Utah
Telephone Number	1-385-292-9984
E-mail Address	gittiben@proton.me

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	City of Laguna Beach
Job or Title <i>(if known)</i>	
Street Address	505 Forest Avenue
City and County	Laguna Beach, Orange County
State and Zip Code	California, 92651
Telephone Number	949-497-0701
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Laguna Beach Police Department
Job or Title <i>(if known)</i>	
Street Address	505 Forest Avenue
City and County	Laguna Beach, Orange County
State and Zip Code	California, 92651
Telephone Number	949-497-0701
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Officer Varillas Badge #31619
Job or Title <i>(if known)</i>	
Street Address	505 Forest Avenue
City and County	Laguna Beach, Orange County
State and Zip Code	California, 92651
Telephone Number	949-497-0701
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Officer Sergeant Fillers Badge #31264
Job or Title <i>(if known)</i>	
Street Address	505 Forest Avenue
City and County	Laguna Beach, Orange County
State and Zip Code	California, 92651
Telephone Number	949-497-0701
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The Constitution of the united States of America Amendment I,V,VI,VII, The RICO act, 18 U.S. Code § 872, 18 U.S.C. § 241, 18 U.S.C. § 242

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is a man.**

The plaintiff, *(name)* Gitti El Ben, is a national of the
Republic State of *(name)* Utah.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) City of Laguna Beach et al., is incorporated under the laws of the State of (name) California, and has its principal place of business in the State of (name) California.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) Laguna Beach, California.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$933,000.00

A 2019 Aston Martin DBS valued at \$300,000.00, \$10,000.00 for violating 18 USC 241, \$1,000.00 for violating 18 USC 242. Plus treble damages per the RICO act.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Attached as Exhibit A

B. What date and approximate time did the events giving rise to your claim(s) occur?

December 12, 2024 between 5p.m. and 7p.m. pacific time.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

See Attached Exhibit A, Exhibit B, and Exhibit C

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The damage has been done, the officers have already violated the rights granted by the Constituion.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I respectfully request this court to issue an order:

- a. Enjoining the City of Laguna Beach and Laguna Beach Police Department from selling the automobile.
 - b. Compelling the immediate return of the automobile to me.
 - c. Granting such other and further relief as this court deems just and proper.
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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/23/2024

Signature of Plaintiff

Printed Name of Plaintiff

Gitti El Ben - Trustee All Rights Reserved

Gitti El Ben

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address